Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 4196 /2005

PETITIONER : R.K. Singh, Son of Shri Ranjit Singh, aged about 50 years, Varishtha Krishi Vistar Adhikari, Mungeli, District Bilaspur (C.G.).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh Through: The Secretary, Department of Agriculture, D.K.S. Bhawan, Raipur (C.G.).

2. The Director, Department of Agriculture, Raipur (C.G.).

3. The Deputy Director, Department of Agriculture, Bilaspur (C.G.).

4. The Sub Divisional Officer, (Agriculture) Mungeli, District Bilaspur (C.G.).

RECEIVED-COPY 24.6.05 BENCH NO. 4, C. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER/ORDERS, DIRECTION/DIRECTIONS.

(63)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4136 OF 2005

Petitioner : R.K. Singh

versus

Respondents : State of Chhattisgarh and others

Present : Mr. P.P.Sahu, counsel for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 4th Day of January, 2007)

By this writ petition, the petitioner seeks a direction to the respondents/State to sanction the earned leave as per his application dated 13-12-2004 (Annexure P-1) and further payment of full salary of the petitioner from November, 2004 till date.

2. The petitioner is Varishtha Krishi Vistar Adhikari/Sahayak Parikshetra Adhikari, Mungeli. The petitioner remained on leave from 9-11-2004 to 20-11-2004, which was extended upto 23-12-2004 on account of his eye treatment at Raipur. According to the petitioner, the petitioner has obtained prior permission of the State Government for remaining absent during the abovementioned period. Thereafter, according to the petitioner, the petitioner was again on leave for eye

(84)

operation at Raipur from 3-1-2005 to 13-2-2005. The petitioner thereafter again remained on leave till 8-8-2005.

3. Learned counsel appearing for the respondents/State would submit on the basis of the return of the respondents, as stated in para 15, that the petitioner had not submitted his application as per Rule 13 of the Leave Rules, 1977. It was further stated by learned counsel that all the payments due to the petitioner have been made except the payment for the period from 3-1-2005 to 8-8-2005, i.e., total 218 days' absence, which is under consideration. It is further submitted that the petitioner has not submitted his application in proper format along with medical certificates as required in form (iii) clearly stating the nature and probable duration of the illness. The petitioner was permitted to join the duties on the basis of the affidavit filed by the petitioner.

4. Be that as it may, according to the petitioner, the petitioner has submitted all medical bills and medical certificates as required by the respondents/State. That may not be in the proper format. In view of the fact that the petitioner had undergone eye operation and treatment prior to eye operation and thereafter, the respondents – authorities should not have insisted upon the technicalities as to whether the application was in proper format or not. If the petitioner has submitted his medical bills and medical certificates, the respondents – authorities ought to have examined the case in its letter and spirit. If the petitioner is entitled to payment for his absence on account of medical treatment, the petitioner must be granted the same.

(85)

5. For the reasons above-stated, the respondents – authorities are directed to consider the case of the petitioner on the basis of his medical certificates, medical bills, application and grant appropriate payment in accordance with law.

6. As a result and for the reasons stated hereinabove, this petition is disposed of accordingly. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal